

REMARKS

The Office Action mailed September 12, 2008 has been received and carefully noted. Claims 1-19 are currently pending in the subject application and are presently under consideration.

No claims have been amended, added, or canceled herein. A listing of claims can be found on pages 2-4 of this Response.

Favorable reconsideration of the pending claims is respectfully requested in view of the following comments.

I. Rejection of Claims 1, 2, 4, 5, 7-10, 13-16, 18, and 19 Under 35 U.S.C. § 103(a)

Claims 1, 2, 4, 5, 7-10, 13-16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being obvious over Arunapuram *et al.* (U.S. 2002/0019759) (“Arunapuram”), in view of Morimoto (U.S. 7,035,856). The Applicants respectfully request that these rejections be withdrawn for at least the following reason. Arunapuram and Morimoto, alone or in combination, do not teach or suggest all the claim limitations expressly, impliedly, or obviously.

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). *See* MPEP § 706.02(j). In particular, independent claims 1, 4, 10, and 14 recite “a route determination module to *select* at least one source location *from the set of source locations* having the set of products when the order for the set of products is fulfilled” (emphasis added) or analogous aspects. The Examiner concedes that Arunapuram does not teach these aspects, but contends that Morimoto teaches these aspects in the Abstract, stating that Morimoto “discusses determining a route from a subset of source locations” (*See* Office Action mailed September 12, 2008, pgs. 3 and 4). It is unclear from the Examiner’s statement which element of Morimoto the Examiner is equating with the set of source locations recited in the claims.

Morimoto discloses only a single given source location and therefore does not teach or suggest **selecting** a source location. Morimoto discloses requesting shipping quotes from “a

number of regional shipping companies” by specifying one source location and one destination location (*See* Morimoto, Figure 5, item 100 and col. 10, ll. 11-13, the company requesting quotes “receives [the] package to be shipped”). The shipping companies producing the quotes do not change the given source location or destination location. Thus, Morimoto does not teach or suggest “a route determination module to *select* at least one source location *from the set of source locations* having the set of products when the order for the set of products is fulfilled” (emphasis added).

Morimoto discloses a route including intermediate destinations between the source destination and final destination, but these intermediate destinations are not equivalent to the set of source locations recited in the claims. The intermediate destinations do not have “the set of products when the order for the set of products is fulfilled” (*See* independent claims 1, 4, 10, and 14). Rather, the intermediate destinations have the products after they have departed from the source location, which is also well after the order has been fulfilled. Since the source locations recited in the claims have the set of products when the order is fulfilled and the intermediate destinations of Morimoto do not, the intermediate destinations of Morimoto do not teach or suggest the source locations recited in the independent claims.

Each of claims 2, 5, 7-9, 12, 13, 15, 16, 18, and 19 depends from one of independent claims 1, 4, 10, and 14, and thus incorporate the respective limitations thereof. For at least the above reasons relating to the independent claims, Arunapuram and Morimoto do not teach or suggest all the claim limitations of these dependent claims. Accordingly, it is respectfully requested that these rejections be withdrawn.

II. Rejection of Claims 3, 6, 11, and 17 Under 35 U.S.C. § 103(a)

Claims 3, 6, 11, and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Arunapuram, in view of Cappellini (U.S. 2003/0014286). Claims 3, 6, 11, and 17 depend from independent claims 1, 4, 10, and 14, respectively, and thus incorporate the limitations thereof. Since the independent claims were rejected under Arunapuram and Morimoto, the Examiner probably intended to reject dependent claims 3, 6, 11, and 17 under Arunapuram, Morimoto, and Cappellini. The Examiner does not indicate and the Applicants do not discern any part of Cappellini that cures the aforementioned deficiencies of Arunapuram and Morimoto regarding the independent claims. For at least the above reasons regarding the independent claims,

Arunapuram, Morimoto, and Cappellini, alone or in combination, do not teach or suggest all the limitations of claims 3, 6, 11, and 17. Reconsideration and withdrawal of these rejections are respectfully requested.

CONCLUSION

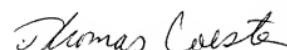
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: 12/10, 2008



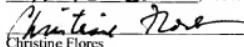
Thomas M. Coester

Reg. No. 39,637

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Telephone (310) 207-3800

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on 12-12-08, 2008.



Christine Flores